

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**RICKY RONNELL EWING, #34353**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:16CV76- LG-RHW**

**AUSTIN WILLIAM**

**DEFENDANT**

**ORDER OF DISMISSAL**

THIS MATTER is before the Court *sua sponte* for consideration of dismissal. When Plaintiff filed this case in March 2016, he at the same time requested leave to proceed *in forma pauperis* ("IFP"). The Magistrate Judge initially granted the IFP application, but later recommended revocation because it had come to the Magistrate Judge's attention that Plaintiff had accumulated at least three strikes against him. (Rep. & Rec. 2, ECF No. 12). Accordingly, Plaintiff was not entitled to proceed in federal court without paying costs and fees.

The Court adopted the recommendation in December 2016, and advised Plaintiff that he must pay the entire filing fee to maintain his lawsuit. (See Order , ECF No. 18). Plaintiff was warned that failure to pay the filing fee within the thirty-day time period allowed would result in dismissal of his lawsuit. As of this date, Plaintiff has not paid the filing fee.

Fed. R. Civ. P. 41(b) provides that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." The Court may also *sua sponte* dismiss the action for failure to prosecute or for failure to comply with a court order. *Larson v. Scott*,

157 F.3d 1030, 1031 (5th Cir. 1998). As Plaintiff has failed to comply with the Court's Order, his complaint will be dismissed.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Plaintiff's complaint is **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 41(b).

**SO ORDERED AND ADJUDGED** this the 2<sup>nd</sup> day of February, 2017.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE